

LEGISLATURE OF NEBRASKA
NINETY-SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 446

Introduced by Transportation Committee: Bromm, 23, Chairperson;
Baker, 44; Hudkins, 21; Janssen, 15; Jones, 43; Dw.
Pedersen, 39; C. Peterson, 35; Thompson, 14; and
Tyson, 19

Read first time January 14, 1999

Committee: Transportation

A BILL

1 FOR AN ACT relating to communication; to amend sections 81-2308,
2 81-2604, 86-1503, and 86-1506, Revised Statutes
3 Supplement, 1998; to adopt the Nebraska Public Safety
4 Wireless Communication System Act; to eliminate
5 provisions for an obsolete task force; to harmonize
6 provisions; to repeal the original sections; to outright
7 repeal sections 86-1801 and 86-1802, Revised Statutes
8 Supplement, 1998; and to declare an emergency.
9 Be it enacted by the people of the State of Nebraska,

1 Section 1. Sections 1 to 9 of this act shall be known
2 and may be cited as the Nebraska Public Safety Wireless
3 Communication System Act.

4 Sec. 2. The Legislature finds that:

5 (1) During emergencies the resources of the state and its
6 political subdivisions must be effectively directed to save lives,
7 to protect property, and to meet the needs of its citizens;

8 (2) Public safety agencies fulfill this unique and
9 essential role;

10 (3) Public safety agencies are only as effective as their
11 ability to communicate. To adequately ensure public safety, such
12 agencies require an efficient, reliable communication system which
13 accounts for their unique role and the specialized needs that
14 accompany such role;

15 (4) Present radio communication systems used by public
16 safety agencies during daily operations and emergencies are
17 deficient. Nebraska's systems are based on outdated technologies,
18 rely on inadequate equipment, are susceptible to communication
19 interference, have limited coverage areas, operate under the
20 constraints of a limited number of radio frequency channels, and
21 lack coordination and the ability to interoperate among city,
22 county, state, and federal users. Additionally, such systems
23 presently do not allow for secure transmissions which are necessary
24 for the protection and integrity of public safety communications;

25 (5) Recent changes and advances in communication
26 technology, including wireless communication, would increase the
27 capability of public safety agencies to provide efficient and
28 effective public safety services;

1 (6) Investment in the public safety communication
2 infrastructure is required to ensure the effectiveness of
3 Nebraska's public safety agencies. Since the maintenance of public
4 safety is a paramount concern but the cost of purchasing and
5 operating multiple communication infrastructures is prohibitive, it
6 is imperative that local and state public safety agencies cooperate
7 in their efforts to obtain a single statewide seamless
8 communication system;

9 (7) A statewide seamless communication system should
10 balance the need for multiple simultaneous users while maintaining
11 autonomy for the internal use of individual agencies. The
12 objectives of such a system should include maximizing resources and
13 reducing duplication among public safety agencies as well as
14 encouraging cooperation, coordination, consolidation, sharing, and
15 partnerships between public agencies and private entities. Such a
16 system should only be implemented after a precise needs assessment
17 has occurred so that the system meets today's public safety needs
18 and is capable of future additions, including mobile digital data
19 terminals, automatic vehicle locators, and other systems for
20 specific public safety applications; and

21 (8) Prior to implementation of a statewide seamless
22 communication system, there should be in place a process for
23 ongoing implementation, management, review, and improvement of such
24 system.

25 Sec. 3. For purposes of the Nebraska Public Safety
26 Wireless Communication System Act:

27 (1) Board means the Public Safety Wireless Communication
28 Advisory Board created in section 9 of this act;

1 (2) Division means the division of communications of the
2 Department of Administrative Services;

3 (3) Public safety agency means any federal, state, or
4 political subdivision entity which provides emergency and public
5 safety services, including medical services, law enforcement
6 services, fire management services, correctional services, and
7 emergency and disaster relief services; and

8 (4) System means a statewide seamless wireless
9 communication system created in section 4 of this act.

10 Sec. 4. Based upon an implementation plan and the
11 ongoing advice and assistance of the board, the division shall
12 establish and implement a statewide seamless wireless communication
13 system for the use of all state public safety agencies. The
14 infrastructure of such system shall be operated and maintained by
15 the state within the division. The division shall allow local,
16 state, and federal public safety agencies to interconnect with the
17 state's infrastructure to enable multi-agency, multijurisdictional
18 responses to public safety situations.

19 Sec. 5. (1) An implementation plan for the system shall
20 be developed by the division and the board after the communication
21 needs of public safety agencies have been assessed. The
22 implementation plan shall build upon the recommendations contained
23 in the report dated January 1, 1999, and issued by the Nebraska
24 State Radio Communications Task Force to the Legislature and
25 Governor. This plan shall:

26 (a) Outline the needs of the system, including
27 infrastructure capacity to:

28 (i) Support statewide voice and data radio

1 communications;

2 (ii) Provide wide-area and roaming access by public
3 safety agencies on a statewide basis;

4 (iii) Permit public safety agencies to interoperate when
5 needed, but still maintain autonomy for daily functions;

6 (iv) Support coverage requirements to meet the needs of
7 public safety agencies; and

8 (v) Support technology requirements to meet the current
9 and future needs of public safety agencies;

10 (b) List the phases in developing the system, including a
11 timeline for local public safety agencies to migrate to the use of
12 the system so as to ensure that there are adequate resources to
13 meet the needs and allow planned progressive expansion of system
14 coverage and capacities; and

15 (c) Detail the estimated costs of the system, including
16 operating costs, incentive funds, and anticipated subscriber fees.

17 The plan shall contain technical and logistical details
18 of the system based upon the advice of an independent consultant
19 hired by the division and the board pursuant to subsection (5) of
20 this section.

21 (2) When assessing the needs of public safety agencies,
22 the board shall advise the division regarding ongoing planning and
23 strategy with state and local public safety entities. The division
24 shall work in conjunction with the Intergovernmental Data
25 Communications Advisory Council, the Nebraska Information
26 Technology Commission, and the Criminal Justice Advisory Committee
27 in fulfilling their missions related to the system. Needs
28 assessment shall focus on maximizing available resources and

1 minimizing duplication to facilitate the provision of seamless
2 statewide public safety services. The implementation plan shall
3 use and modify, as needed, existing state-owned tower sites and
4 facilities. The implementation plan shall provide for the leasing,
5 when feasible, of existing facilities, tower space, and equipment
6 shelters owned by local public or private entities. The ability to
7 use existing facilities for public safety communications shall take
8 into consideration the unique role and specialized needs of public
9 safety agencies, including the importance of communication
10 integrity and security.

11 (3) The board shall adopt and promulgate rules and
12 regulations concerning authorized use of the system. Such rules
13 and regulations shall address parameters for the transmission of
14 information over the system, including law enforcement restrictions
15 regarding confidential information.

16 (4) Upon completion, the plan shall be used to formulate
17 a request for procurement to select a system vendor.

18 (5) The division, with approval by the board, shall (a)
19 hire an independent consultant to assist in developing the
20 implementation plan and request for procurement and (b) select a
21 system vendor pursuant to a competitive bidding process. The
22 division and board may also contract with any private or public
23 entities or political subdivisions to assist in developing the
24 implementation plan. The division shall administer the operational
25 funds to finance this subsection.

26 Sec. 6. (1) The division and board shall assist public
27 safety agencies joining the system and interface their existing
28 equipment into the system when feasible. Public safety agencies

1 shall purchase and own their subscriber equipment to interconnect
2 with the system infrastructure. Public safety agencies shall be
3 assessed a subscriber fee as determined by the division for use of
4 the system. The subscriber fee shall be collected by the division
5 and credited to the Public Safety Communications Fund.

6 (2) The Public Safety Communications Fund is created.
7 The fund shall be administered by the division. The fund shall
8 contain subscription fees for use of the system as well as any
9 public or private funds, including federal grant money. The board
10 shall have oversight over any expenditures from the fund. Any
11 money in the fund available for investment shall be invested by the
12 state investment officer pursuant to the Nebraska Capital Expansion
13 Act and the Nebraska State Funds Investment Act.

14 Sec. 7. The board with the division shall develop
15 incentives to encourage regional cooperation in public safety
16 communication throughout the state. The board shall assist local
17 communities and public safety agencies which desire to connect with
18 the system. Incentive alternatives may include financial
19 incentives to encourage migration by communities onto the system
20 and to reward communities which coordinate efforts to form public
21 safety communication centers. Such incentives shall not mandate
22 migration by public safety agencies to the system.

23 Sec. 8. Upon installation of the system infrastructure:
24 (1) The division shall have a continuing duty to:
25 (a) Operate, maintain, and manage the system;
26 (b) Supervise the migration of public safety agencies
27 into the system and develop a set of factors to determine
28 prioritization of agencies into the system;

1 (c) Assess the need for, and estimate usage of, any
2 system resources, upgrades, and expansions; and

3 (d) Administer the Public Safety Communications Fund; and

4 (2) The board shall have a continuing duty to:

5 (a) Develop proposals for the administration of system
6 resources, upgrades, and expansions;

7 (b) Determine the availability of financial resources for
8 system resources, upgrades, and expansions;

9 (c) Assess the communication needs of public safety
10 agencies;

11 (d) Remain abreast of developments in communication
12 technology as it impacts public safety agencies;

13 (e) Coordinate communication strategy with other public
14 and private entities, including political subdivisions, when
15 feasible; and

16 (f) Oversee any expenditures from the Public Safety
17 Communications Fund.

18 Sec. 9. (1) The Public Safety Wireless Communication
19 Advisory Board is created. The board shall provide advice to the
20 division to implement the Nebraska Public Safety Wireless
21 Communication System Act. For administrative and budgetary
22 purposes, the board shall be within the division. The division
23 shall provide office space, equipment, technical assistance, and
24 staff support for the board.

25 (2) The board shall consist of the following fourteen
26 members, all of whom shall be individuals with knowledge of the
27 communication needs of their represented agencies or
28 constituencies:

1 (a) A representative of the division who is an ex officio
2 member;

3 (b) A representative of the Department of Correctional
4 Services;

5 (c) A representative of the Department of Roads;

6 (d) A representative of the Game and Parks Commission;

7 (e) A representative of the Nebraska State Patrol;

8 (f) A representative of the Nebraska Emergency Management
9 Agency;

10 (g) A representative of the Nebraska County Sheriffs
11 Association;

12 (h) A representative of the Police Officers Association
13 of Nebraska;

14 (i) A representative of the Nebraska Association of
15 County Officials;

16 (j) A representative of the Nebraska League of
17 Municipalities;

18 (k) A representative of the Criminal Justice Advisory
19 Committee;

20 (l) A representative of professional firefighters;

21 (m) A representative of volunteer firefighters; and

22 (n) A representative of emergency medical services.

23 A chairperson of the board shall be elected annually by a
24 vote of the majority of the board. The board may establish
25 subcommittees and working groups as deemed necessary.

26 (3) Members of the board representing agencies listed in
27 subdivisions (2)(a) through (2)(k) of this section shall be
28 appointed by their respective agencies and members representing

1 constituencies listed in subdivisions (2)(1) through (2)(n) of this
2 section shall be appointed by the Governor. Initial appointments
3 to the board shall be made within thirty days after the effective
4 date of this act. In the case of a vacancy, a successor shall be
5 appointed in the same manner as the initial appointment.

6 (4) The board shall hold at least four meetings annually.
7 The first organizational meeting shall be held within sixty days
8 after the effective date of this act. A quorum of voting members
9 is required to conduct business. Members shall be reimbursed from
10 the Public Safety Communications Fund for their actual and
11 necessary expenses incurred in the performance of their duties as
12 provided in sections 81-1174 to 81-1177.

13 (5) Prior to December 1 of each year, the board shall
14 provide a written report to the Legislature on the progress of the
15 system.

16 Sec. 10. Section 81-2308, Revised Statutes Supplement,
17 1998, is amended to read:

18 81-2308. The council shall: (1) Develop and publish
19 one-year and five-year plans, specifications, and recommendations
20 for the data processing needs of the state and for a network to
21 provide for intergovernmental transfer of data; (2) seek to
22 eliminate duplication of effort through coordination of related
23 projects; (3) promote flexibility in the collection, use, and
24 exchange of information in anticipation of future needs of the
25 state and its political subdivisions; (4) identify and recommend
26 data processing applications in anticipation of the future needs of
27 state and local governments; (5) promote intergovernmental
28 exchanges of data and technical expertise; (6) report to, assist,

1 and advise the Chief Information Officer in setting information
2 technology policy; ~~and~~ (7) provide assistance as requested by the
3 Nebraska Information Technology Commission to support the technical
4 panel created in section 86-1511; and (8) provide assistance upon
5 request to the Public Safety Wireless Communication Advisory Board.

6 The council may: (a) Study and make recommendations, including a
7 cost-benefit analysis, concerning state projects which involve
8 intergovernmental transfer of information in an electronic medium
9 or multijurisdictional data processing projects; and (b) study and
10 make recommendations, including a cost-benefit analysis, concerning
11 a local project only if the request for assistance comes from the
12 governmental subdivisions involved in the project.

13 Sec. 11. Section 81-2604, Revised Statutes Supplement,
14 1998, is amended to read:

15 81-2604. The Geographic Information System Steering
16 Committee shall:

17 (1) Make recommendations to the Legislature for program
18 initiatives and funding;

19 (2) Establish guidelines and policies for statewide
20 Geographic Information System operations and management to include:

21 (a) The acquisition, development, maintenance, quality
22 assurance such as quality control standards, access, ownership,
23 cost recovery, and priorities of data bases;

24 (b) The compatibility, acquisition, and communications of
25 hardware and software;

26 (c) The assessment of needs, identification of scope,
27 setting of standards, and determination of an appropriate
28 enforcement mechanism;

1 (d) The fostering of training programs and promoting
2 education and information about the Geographic Information System;
3 and

4 (e) The promoting of the Geographic Information System
5 development in the State of Nebraska and providing or coordinating
6 additional support to address Geographic Information System issues
7 as such issues arise;

8 (3) Report to, assist, and advise the Chief Information
9 Officer in setting information technology policy; ~~and~~

10 (4) Provide assistance as requested by the Nebraska
11 Information Technology Commission to support the technical panel
12 created in section 86-1511; and

13 (5) Provide assistance upon request to the Public Safety
14 Wireless Communication Advisory Board.

15 Sec. 12. Section 86-1503, Revised Statutes Supplement,
16 1998, is amended to read:

17 86-1503. (1) The Legislature finds that the University
18 of Nebraska, as the state's only public university, has unique
19 needs and requirements in the area of information technology
20 relating to the university's academic research mission.
21 Accordingly, the Legislature intends that sections 86-1501 to
22 86-1514 shall not limit the authority of the Board of Regents of
23 the University of Nebraska to make decisions about policies,
24 purchases, and uses of information technology related to its
25 academic research mission. For purposes of this section, academic
26 research mission means those specific activities or programs of the
27 university which are undertaken as a part of sponsored or
28 grant-supported activities, organized research projects, or other

1 similar activities intended to produce one or more research
2 outcomes and conducted by employees of the university or other
3 entities, including, but not limited to, research divisions,
4 bureaus, institutes, and experimental stations. Academic research
5 mission does not include the administrative activities of the
6 university, instruction of students, or services provided by the
7 university to communities when not conducted in the context of
8 research outcomes.

9 (2) The Legislature finds that, as a separate branch of
10 government, the Legislature must perform its functions
11 independently of other branches. Accordingly, the Legislature
12 shall not be limited by the provisions and requirements of sections
13 86-1501 to 86-1514. However the Legislature reserves the right to
14 use the resources established by such sections.

15 (3) The Legislature finds that public safety agencies
16 pursuant to the Nebraska Public Safety Wireless Communication
17 System Act, have a unique and essential role to protect society.
18 Accordingly, communication technology incorporated in the statewide
19 seamless wireless communication system shall not be limited by the
20 provisions and requirements of sections 86-1501 to 86-1514. It is
21 the intent of the Legislature that the board and the division of
22 communications of the Department of Administrative Services shall
23 cooperate and coordinate with the commission when possible to avoid
24 duplication of efforts and technology systems.

25 Sec. 13. Section 86-1506, Revised Statutes Supplement,
26 1998, is amended to read:

27 86-1506. The commission shall:

28 (1) By July 1, 1999, and each July 1 thereafter, adopt

1 policies and procedures used to develop, review, and annually
2 update a statewide technology plan;

3 (2) Create a technology information clearinghouse to
4 identify and share best practices and new developments, as well as
5 identify existing problems and deficiencies;

6 (3) Review and adopt policies to provide incentives for
7 investments in information technology infrastructure services;

8 (4) Determine a broad strategy and objectives for
9 developing and sustaining information technology development in
10 Nebraska, including long-range funding strategies, research and
11 development investment, support and maintenance requirements, and
12 system usage and assessment guidelines;

13 (5) By September 15, 1998, adopt guidelines regarding
14 project planning and management, information sharing, and
15 administrative and technical review procedures involving
16 state-owned or state-supported technology and infrastructure.
17 Governmental entities, state agencies, and political subdivisions
18 shall submit projects which directly utilize state-appropriated
19 funds for information technology purposes to the process
20 established by sections 86-1501 to 86-1514. Governmental entities
21 and political subdivisions may submit other projects involving
22 information technology to the commission for comment, review, and
23 recommendations;

24 (6) By September 15, 1998, adopt minimum technical
25 standards, guidelines, and architectures upon recommendation by the
26 technical panel created in section 86-1511;

27 (7) Establish ad hoc technical advisory groups to study
28 and make recommendations on specific topics, including work groups

1 to establish, coordinate, and prioritize needs for education, local
2 communities, and state agencies;

3 (8) By November 15 of each even-numbered year, make
4 recommendations on technology investments to the Governor and the
5 Legislature, including a prioritized list of projects, reviewed by
6 the technical panel, for which new or additional funding is
7 requested;

8 (9) Approve grants from the Community Technology Fund and
9 Government Technology Collaboration Fund; ~~and~~

10 (10) By September 15, 1998, adopt schedules and
11 procedures for reporting needs, priorities, and recommended
12 projects; and

13 (11) Provide assistance upon request to the Public Safety
14 Wireless Communication Advisory Board.

15 Sec. 14. Original sections 81-2308, 81-2604, 86-1503,
16 and 86-1506, Revised Statutes Supplement, 1998, are repealed.

17 Sec. 15. The following sections are outright repealed:
18 Section 86-1801 and 86-1802, Revised Statutes Supplement, 1998.

19 Sec. 16. Since an emergency exists, this act takes
20 effect when passed and approved according to law.